

Application No: 09/925,562
Filed: August 9, 2001

Amendment
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REMARKS

This Amendment is submitted along with a Request for Continued Examination (RCE) in response to a Final Office Action mailed March 31, 2004. In the Final Office Action, claims 34-50 are rejected under 35 USC 103(a) as being unpatentable over Brown et al (US 6348065) in view of Pinchasik et al (US 5449373).

Applicant has amended claim 34. Support for the amendment is found at least in Figs. 10a and 10b. Claim 36 has been amended. Support for the amendment is found at least in Fig. 7c. Claim 39 has been amended. Support for the amendment is found at least at col. 8, lines 54-56. Claim 47 has been amended. Support for the amendment is found at least in Fig. 9d. Claim 49 has been amended. Support for the amendment is found at least in Figs. 10a and 10b. Also, Applicant has added new claims 51-61. Support for new claims 51, 52 and 56 is found at least in Figs. 10a and 10b. Support for new claims 53 and 54 is found at least in Fig. 8g. Support for new claim 55 is found at least in Fig. 10c. Support for new claims 57-62 is found at least in Fig. 1. No new matter has been added. Claims 37-38, 44-46 and 48 have been canceled without prejudice or disclaimer. Applicant reserves the right to prosecute these claims at a later date in an application claiming priority from this application or a related application.

Claims 42 and 43 are patentable over the proposed combination of Brown and Pinchasik in that even if, for the sake of argument only, there were motivation to make the proposed combination, the resulting hybrid does not result in asymmetric cells as required by the claims. Substitution of the Pinchasik connectors in Brown would appear to result in symmetric cells.

Assuming, for the sake of argument only, that there were motivation to make the proposed combination of Brown and Pinchasik, claim 50 is nevertheless patentable over the proposed combination because the proposed combination would not result in connecting struts extending from a location closer to one expansion strut than to another expansion strut.

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CONCLUSION

The instant claims are patentably distinct over the asserted combination of Brown and Pinchasik. Consequently, reversal of the rejection under 35 U.S.C. §103 is respectfully requested. Notification of the allowability of the pending claims is respectfully requested.

Respectfully submitted,

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